IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION No. 2913 OF 2006.

IN

WRIT PETITION No.6082 OF 2006.

Bhartiya Bhavan Co-op. Housing
Society Ltd.and Anr. ..Petitioners.

Vs.

Smt. Krishna H. Bajaj & Anr. ..Respondents.

Mr. M.S. Karnik i/b M/s. Bhaishankar Kanga
& Girdharlal, Advocate for the Petitioners.

Mr. Zal Andhyarujina, Advocate i/b. Mr.
Vivek Sharma, for the Respondent No.1.

CORAM:R.M.S.KHANDEPARKAR,J.
DATED:14th DECEMBER, 2006.

P.C.:-

1. Heard.

2. This is an application to seek clarification of the order dated 20th October, 2006 passed in Civil Application No.2316 of 2006. In fact, the said Application No. 2316 of 2006 was filed for stay of the execution of the decree which was under challenge in the matter. While passing the order on 20th October, 2006 the said application was disposed of, but as rightly submitted by the learned Advocate for the applicant that by over sight the limited relief of stay which

was intended to be granted on compliance of the directions issued under order dated 29th November, 2006, the same remained to be incorporated in the said order. In fact, the order of 29th November, 2006 therefore, should be read alongwith the grant of limited stay to the execution of the decree in the nature of permitting the applicants/petitioners to operate bank accounts. It is made clear that there shall not be any stay on the order of attachment of the properties and the said attachment shall continue. Obviously, the decree holder shall not proceed with the sale of the attached properties. At the same time, the petitioners shall not cause any change in the statusquo in relation to the attached properties without prior permission of this Court. As far as the bank accounts are concerned, the petitioners/applicants are permitted to operate the same. With this clarification the application is disposed of.

[R.M.S.KHANDEPARKAR,J]